

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:24-cv-00789-KDB
(CRIMINAL CASE NO. 3:21-cr-00034-KDB)**

WALTER BAVON JACKSON,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

ORDER

THIS MATTER is before the Court on Petitioner’s letter, which the Court construes as seeking relief under 28 U.S.C. § 2241. [Doc. 10].

On August 27, 2024, pro se Petitioner Walter Bavon Jackson (“Petitioner”) filed a letter directed to the undersigned, which the Court construes as seeking relief under 28 U.S.C. § 2241. [See Doc. 1]. Petitioner asks the Court to grant his request for a *nunc pro tunc* designation such that he may receive credit on his federal sentence for his time spent in state custody in the Mecklenburg County Jail in Charlotte, North Carolina. [Id.]. Petitioner is currently incarcerated at FCI-Coleman in Coleman, Florida.

Federal district courts are directed to make a prompt initial review of habeas proceedings. Rule 4, Rules Governing Section 2254 Cases in the United States District Courts.¹ “If it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition[.]” Rule 4. A petition for a writ of habeas corpus pursuant to § 2241 challenging present physical confinement must be filed in the district of

¹ The Rules pertaining to § 2254 proceedings are also applicable to cases brought under § 2241. Rule 1(b), Rules Governing Section 2254 Cases in the United States District Courts.

confinement. Rumsfeld v. Padilla, 542 U.S. 426, 124 S.Ct. 2711 (2004); United States v. Poole, 531 F.3d 263 (4th Cir.2008).

Petitioner is currently incarcerated at the federal correctional facility in Coleman, Florida. Petitioner therefore must file a motion seeking relief pursuant to § 2241 in the United States District Court for the Middle District of Florida. The Court, therefore, will dismiss Petitioner's petition without prejudice to Petitioner seeking relief in his district of confinement.

IT IS THEREFORE ORDERED that Petitioner's Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 [Doc. 1] is hereby **DISMISSED** without prejudice.

The Clerk is respectfully instructed to terminate this action.

IT IS SO ORDERED.

Signed: October 10, 2024

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

